

Atty Dkt. No.: CLON-069
USSN: 10/055,794

REMARKS

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 2-11 and 21-30, the only claims pending and currently under examination in this application.

Formal Matters

Claims 2-11 and 21-30 are pending after entry of the amendments set forth herein.

Claims 2-11 and 21-30 were examined. Claims 2-11 and 21-28 were rejected and claims 29 and 30 were objected to. No claims were allowed.

Claims 2-6, 8, 21, 21, 23-26, and 29 have been amended. Support for the amendments can be found in the claims as originally filed and throughout the specification at, for example: page 4, lines 15-22, and page 42, lines 11-16.

The specification has been amended on page 54 in order to correct a sequence identification reference number.

As the above amendments introduce no new matter to the application, their entry is respectfully requested.

Allowable subject matter

The Applicants express gratitude in the Examiner's indication that claims 29 and 30 are allowable subject matter.

Objection to the Specification

The specification has been objected to for disclosing three sequences and providing four sequence identification numbers. The specification has been amended on page 54 to correct the sequence identification reference numbers. Therefore, this rejection may be withdrawn.

Atty Dkt. No.: CLON-069
USSN: 10/055,794

Rejection under 35 U.S.C. § 112, second paragraph

Claims 2-11

Claims 2-11 have been rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite for reciting "a sequence specific recombinase based system." This rejection is respectfully traversed.

In the spirit of expediting prosecution and without conceding as to the correctness of the rejection, Claim 2 has been amended to recite "a system". The Applicants note that the specification on page 42, lines 8-16, specifically describes a "system". In particular, the specification provides that "the subject systems at least include a donor vector and an acceptor vector as described above" (specification, page 42, lines 10-12).

As such, in view of the amendments to the claims, this rejection may be withdrawn.

Claims 2-7, 9-11, and 21-28

Claims 2-7, 9-11, and 21-38 have also been rejected under 35 U.S.C. § 112, second paragraph for allegedly being indefinite for reciting "recombinase recognition site." This rejection is respectfully traversed.

In the spirit of expediting prosecution and without conceding as to the correctness of the rejection, the claims have been amended for clarity to recite "sequence-specific recombinase target site". The Applicants note that the specification on page 4, lines 16-22 specifically describes a "sequence-specific recombinase target site". In particular, the specification provides that a sequence-specific recombinase target sites "are recognized by a sequence- or site-specific recombinase and which become the crossover regions during a site-specific recombination event" (specification, page 4, lines 19-20).

As such, in view of the amendments to the claims, this rejection may be withdrawn.

Atty Dkt. No.: CLON-069
USSN: 10/055,794

Conclusion

The Applicants respectfully submit that all of the claims are in condition for allowance, which action is requested. The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, Order Number CLON-069.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: February 17, 2005

By: 

Bret Field
Registration No. 37,620

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, CA 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

F:\DOCUMENT\CLON\069\rsp oa dated 11-30-04.doc